

**Washington County Planning Commission Meeting
January 13, 2009**

The Washington County Planning Commission Meeting was held on Tuesday, January 13, 2009, in the Commission Chambers of the Washington County Administration Building. The meeting was convened at 1:30 p.m. by Vice-Chairman Ford. Commissioners present, Debra Christopher, Joann Balen, Dave Everett, Doug Wilson, and Rick Jones. Also present were Planner Deon Goheen, Deputy Attorney Rachelle Ehlert, County Administrator John Willie, and Building Official Kurt Gardner.

Excused: Mike Stucki, Julie Cropper

Audience attendance: Dee G. Atkin, Sam Banks, Bob Roth, Ann Jones, Randy Taylor

Vice-Chairman Ford led the audience in the Pledge of Allegiance and explained meeting protocol.

Vice-Chairman Ford introduced two new commissioners, appointed by the Washington County Commission, Doug Wilson from the Hurricane/LaVerkin area and Rick Jones from Enterprise.

Item #1. CONDITIONAL USE PERMIT REVIEW. Review and approve schedule for the Solid Waste facility at Central, opening January 2, 2009, Monday - Friday, 9:00 a.m. to 7:00 p.m. and Saturday, 7:00 a.m. to 4:00 p.m. Solid Waste/Neil Schwendiman, applicant

The planner explained that this Conditional Use Permit was approved on August 26, 2008 and the hours of operation had not yet been determined, so the commission approved the Washington County Solid Waste Facility in Central, subject to the operation hours being reviewed prior to operation. The staff felt the operating hours were not out of line, so Mr. Schwendiman was given permission to open by the first of the year, knowing that the commission may want the hours of operation changed. Requested days and hours of operation are as follows: Monday - Friday, 9:00 a.m. to 7:00 p.m. and Saturday, 7:00 a.m. to 4:00 p.m.

Applicant was not in attendance. The planner explained that this is strictly a review for the Planning Commission to approve the hours of operation.

The facility will only be opened during the posted hours otherwise the facility will be locked and unavailable.

Motion was made by Commissioner Balen to recommend approval for a Conditional Use Permit Review to approve the schedule for the Solid Waste Facility in Central, asking that this be revisited every six months to see if the hours are sufficient for the public. Commissioner Everett seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #2. CONDITIONAL USE PERMIT EXTENSION. Review extension to install the UNEV petroleum pipeline using the IPP/Kern River corridor for a fuel transmission line running through Washington County northeasterly to southwesterly. Ann Jones, applicant/agent The planner explained that this is an automatic annual review and the applicant previously submitted a route plat showing location of petroleum pipeline, with the twelve (12) inch line sizing. As reviewed previously, the project is being reviewed and permitted by the Bureau of Land Management, with extensive environmental studies conducted complying with the National Environmental Policy Act (NEPA). Construction of the UNEV Pipeline was scheduled to begin in late summer or early fall of 2008 and have it completely built and operational by early 2009. The route of the pipeline through Washington County is a total of 48.16 miles in length. Ownership along the alignment of this pipeline is divided as follows: United States Forest Service, 28.8 miles; BLM, 14.5 miles; State Trust Land, 2.79 miles; and private ownership, 2.07 miles. UNEV is a 400-mile pipeline that originates near the refineries in North Salt Lake City and will deliver refined petroleum products to a terminal near Cedar City and a terminal in North Las Vegas. The system will carry 62,000 barrels per day and the Iron County terminal will have the capacity to hold 165,000 barrels and the North Las Vegas terminal will hold 300,000 barrels. The line is jointly owned by Holly Energy Corporation, a Texas-based petroleum provider and Utah-based Sinclair Transportation Company. The applicants are currently in the process of obtaining encroachment permits from the Public Works Department.

Ann Jones, agent, reported that there are changes with the start date because of BLM deviations in the northern route, but the route in Washington County remains the same. The BLM has released an environmental impact statement for public review that is available online. Some paperwork was delayed in Washington D.C., and now the start date is anticipated to be the first part of June, 2009, instead of April. The applicants have met with the Department of Natural Resources, and will obtain a permit for natural streams and wash crossing. The acquisition of right of way is about ninety-six (96) percent complete. Because there are two (2) different construction companies involved, they don't have an exact time frame, but thirty to sixty (30-60) days for construction was given as an estimate. The entire project from start to finish will be about three (3) years. The pipeline should be functional within six to nine (6-9) months after construction. Ms. Jones asked for a one (1) year extension, with an estimated completion date of early 2010.

Motion was made by Commissioner Christopher to recommend approval for a Conditional Use Permit Extension to review extension to install the UNEV petroleum pipeline using the IPP/Kern River corridor for a fuel transmission line running through Washington County, for a period of one (1) year. Commissioner Balen seconded the motion. Five (5) commissioners voted Aye. The motion carried

Item #3. CONDITIONAL USE PERMIT EXTENSION. Review extension for a staging area for pipe storage yard to be used on the UNEV Pipeline, containing 13.300 acres, the Fenton Bowler property in Veyo. Ann Jones, agent/UNEV Pipeline LLC, applicant

The planner explained that this is an automatic annual review, which was approved one month after the item above, so the planning staff moved this item forward, so the applicant would not have to make two trips for items associated with the petroleum pipeline. As reviewed

previously, there is a need for a staging area in the County and the ideal location is the Bowler property in Veyo, which was previously used by IPP and Kern River. UNEV Pipeline has a lease agreement with Fenton Bowler for the period of one (1) year. If there is a need for extensions on the use, they will continue to lease on a month by month basis. As reported previously their first shipment of pipe was suppose to arrive by railway on the 11th of February 2008 and trucked from Cedar City to the site in Veyo. Building Official Kurt Gardner advised that the pipe has been delivered, but the construction has not begun.

Ann Jones, agent, concurred with the planner's comments. The lease is extended on an annual basis, and Ms. Jones agreed to send an updated copy of the latest lease agreement.

Motion was made by Commissioner Balen to recommend approval for a Conditional Use Permit Extension for a staging area for pipe storage to be used on the UNEV Pipeline, for a period of one (1) year. Commissioner Christopher seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #4. CONDITIONAL USE PERMIT EXTENSION. Review extension to operate a gravel crusher within the OST-20 Zone, Section 16, T42S, R14W, SLB&M generally located 1/4 mile east of the Washington County Landfill. Dee Atkins, landowner/Western Rock Products, applicant.

The planner explained that this is an automatic annual review. As reviewed previously, this is an area east of the County Landfill. Sanitation and water needs for dust control have been addressed. This area is to be leased by Western Rock and their initial crushing operation is within an M-1 zone, which less than one (1) mile to the south of this location. The commission addressed operating hours, number of haul trucks, and provisions for reclamation of mining and mineral development. The applicant is in contact with MSHA and EPA on portable crushing and screening equipment that will be reviewed and monitored when it is in place. All trucks should be required to be covered with a tarp as per UDOT regulations. They will have access from Telegraph Street in Washington and/or they would possibly use Washington Dam Road if there has been approval to use Atkins' bridge crossing the Virgin River. The planner advised that concerns about the access alignment from the project site to the Western Rock facility were resolved previously with a detailed rendering and legal description.

Dee Atkin, landowner, said that the crusher has been in operation for two (2) days. The road base will be completed by the end of today. All porta-potties, water and MSHA requirements are in place. There is no anticipation of the surrounding land being developed into residential property for many years. Water is brought in from the Western Rock property by the scale house.

Motion was made by Commissioner Balen to recommend approval for a Conditional Use Permit Extension to operate a gravel crusher in Section 16, T42S, R14W, generally located 1/4 mile east of the County Landfill, for a period of one (1) year. Commissioner Christopher seconded the motion. Five (5) commissioners voted Aye. The motion carried

Item #5. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on January 6, 2009. County initiated.

The staff meeting convened at 9:00 a.m. Staff members present: Deon Goheen, Planner; Ron Whitehead, Public Works Director; Rachelle Ehlert, Deputy Civil Attorney; Tina Esplin, Washington County Water Conservancy District; and Darwin Hall, Ash Creek Special Service District.

Excused: Kurt Gardner, Building Official; Randy Taylor, Department of Environmental Quality; and Laurence Parker, Southwest Utah Public Health Department;

CONDITIONAL USE PERMIT EXTENSION:

A. Request permission to construct an accessory dwelling (Casita), DVA - 193. Brett & Laura Keefe, applicants

This is a review after a six (6) month extension for an accessory dwelling, with the casita being inspected for final occupancy on August 4, 2008. The home was inspected by Building Inspector Henry Brannon and it meets the requirements of the International Building Code. The planner reviewed the approval process that took place two (2) years ago, stating that the applicant had met the requirements for accessory dwelling units, being within the RE-40.0 zone and meeting setback requirements of that zone. The applicant submitted a site plan and floor plan for review. There was a letter from the Southwest Utah Public Health Department stating that the existing septic was sufficient for this accessory dwelling. **Staff granted approval of the Conditional Use based on permanent status.**

CONDITIONAL USE PERMIT/NON CONFORMING USE:

A. Request permission for a travel trailer and pavilion to be used for a temporary housing facility for a researcher doing a study at the BYU/Lytle Ranch and functioning as a 2nd dwelling on the property. BYU/Larry St.Clair, Director M.L. Bean Life Science Museum, applicant and Tom Lamb, contractor/agent

The applicant has met the requirements for a Conditional Use Permit by submitting a site plan, signed ownership, septic permit from the Southwest Utah Public Health Department, and a water source showing quantity of water. Second dwellings for a hired hand (researcher) are conditionally approved within the A-20 zone, with the property containing hundreds of acres. The property is accessed from Old Hwy 91; then right on the Gunlock Road; turning left on the Gold Strike Road, heading southwest on the Motoqua Road, generally located in the Beaver Dam Wash area. The site plan meets all setback requirements for 25' on the sides, rear and frontage. It was decided among the staff that this should be approved, having non conforming use status, with the temporary use of a travel trailer for a period of six (6) months. **The staff felt there would be no problem in approving this Conditional Use Permit/Non Conforming Use for a six (6) month period.**

Item #6. MINUTES Consider approval of the minutes of the regular planning commission meeting held on December 9, 2008.

Motion was made by Commissioner Everett to approve the minutes of December 9, 2008, as written. Commissioner Ford seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #7. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items. County initiated.

Action taken on Planning Items by the Washington County Commission on December 16, 2008, beginning at 4:00 p.m.: (a) Conditional use extension on construction of an LDS Chapel within RE-2.5 zone, within the proximity of Diamond Valley Acres and Paradise Estates... Kim Campbell, agent; (b) Conditional use permit to expand the Red Butte Substation to support future load growth and to maintain transmission transfer capabilities, within the OSC-20 zone on approximately 17 acre of United states Forest Service land near Central... Rocky Mountain Power/Roger Rigby, applicant; and (c) Conditional use permit to create pasture grounds, corral and stabling lease areas for horses and an equipment, storage area and work shop for the Kayenta development group within the OST-20 zone, a portion of Sec. 36, T41S, R17 W, and Sec. 1, T42, R17W, SLB&M, generally located south of Ivins... Terry Marten, applicant

The planner reported that the items were approved, based on recommendation by the Planning Commission.

Item #8. COMMISSION & STAFF REPORTS. General reporting on various topics - County initiated.

There being no further business at 2:07 p.m., Vice-Chairman Ford adjourned the meeting.

Donna Rasmussen, Planning Secretary